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Security Council

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 21 February 2007 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to attach its report on the steps taken by the Government of Denmark to implement paragraph 19 of the above-mentioned resolution (see annex).

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Annex to the note verbale dated 21 February 2007 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Report by Denmark submitted pursuant to paragraph 19 of Security Council resolution 1737 of 23 December 2006

Denmark has the honour of informing the Security Council of the following steps taken with a view to implementing effectively the provisions of paragraphs 3, 4, 5, 6, 10, 12 and 17 of United Nations Security Council resolution (UNSCR) 1737 of 23 December 2006:

The legal basis for control of dual-use items in Denmark is EU Regulation 1334/2000. Through this Regulation and the control list (EU Regulation 394/2006) Denmark controls the export of dual-use items listed by the various export control regimes. The EU Regulation is supplemented by national legislation describing the national administration of the Regulation, including penal sanctions in case of violation. The maximum penalty for offences related to this act is imprisonment and/or an unlimited fine. In case of aggravating circumstances and when the violation is related to Weapons of Mass Destruction (WMD), the offence is covered by the Criminal Code.

Regarding paragraph 3 of resolution 1737 (2006), export licences concerning items listed in subparagraphs (a), (b) or (c) will not be issued.

Concerning paragraph 4 of resolution 1737, export licences concerning other items that could contribute to the pursuit of activities mentioned in subparagraphs (a), (b) and (c) will not be issued.

Regarding paragraph 5 of resolution 1737, applications for export licence concerning items not prohibited by subparagraphs 3 (b), 3 (c) or 4 (a) will be considered with utmost vigilance and those bodies mentioned in paragraph 5 will be notified in case a licence will be approved.

Regarding paragraph 6 of resolution 1737, following the Act on application of certain European Communities Acts on economic relations to third countries (Consolidated Act No. 474 of 14 June 2005) the provisions of technical assistance concerning dual-use items is prohibited if the assistance may be related to WMD. (Technical assistance is defined as any technical support related to repairs, development, manufacture assembly, testing, maintenance or any other technical service, that may take form as instruction, training, transmission or working knowledge or skills or consulting services.)

The restrictions on admission of the individuals specified in paragraph 10 of the resolution as well as its annexes C-E will be implemented in accordance with existing legislation, i.a., the Danish Aliens Act and EC Regulation 539/2001 with subsequent amendments, according to which Iranian citizens must be in possession of a visa when crossing the external borders of the EU.

Concerning paragraph 12 of the resolution regarding freezing of funds, other financial assets and economic resources, please be informed that in its conclusions adopted on 22 January 2007 the Council of the European Union welcomed the measures in resolution 1737 (2006) and called on all countries to implement the

measures in full and without delay. The Council agreed that the EU should prevent the export to and import from Iran of the goods on the NSG and MTCR lists; ban transactions with and freeze the assets of individuals and entities covered by the criteria in resolution 1737 (2006); and take measures to prevent Iranian nationals from studying proliferation-sensitive subjects within the EU.

The EU immediately initiated the preparation of legal instruments implementing the provisions of resolution 1737 (2006). On 12 February 2007 the Council politically endorsed a draft Common Position concerning restrictive measures against Iran. Preparations are under way to adopt without delay a Council Regulation. Further information will be provided to the Security Council, once the Common Position and Regulation have formally been adopted.

Under general European law principles, a Council Regulation is directly applicable in Denmark without the need for domestic implementing legislation. Nevertheless, Denmark will carefully consider whether there is a need to take additional measures nationally once the Council Common Position and the Council Regulation has been adopted.

Finally, concerning paragraph 17 of the resolution, restrictions on Iranian nationals from studying proliferation-sensitive subjects in Denmark will be implemented in accordance with existing legislation on admission of individuals, cf. above.